

July 13, 2005

The Honorable Robert Bunda, President
and Members of the Senate
Twenty-Third State Legislature
State Capitol, Room 003
Honolulu, Hawaii 96813

Dear Mr. President and Members of the Senate:

Re: Senate Bill No. 212 S.D.2, H.D.2, C.D.1

On July 12, 2005, Senate Bill No. 212, entitled "Relating to Environment" became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

The bill authorizes the Department of Health to solicit requests for proposals to improve recycling. This provision is duplicative since this authority already exists in statute. The bill further requires the Department to divert up to \$3 million in beverage container deposits to rebate private companies who purchase reverse vending machines. Efforts to collect these funds from recyclers who are not in compliance will be difficult at best, and could undermine the integrity of the program. This is especially true since this provision has a sunset date of June 30, 2006 and provides no authority to recover rebate funds if non-compliance occurs after that date.

Finally this bill requires the department to develop and implement a redemption and recycling infrastructure program but provides no guidance on what this "infrastructure" program should look like and what issues it should address.

Therefore, I allowed Senate Bill No. 212, S.D.2, H.D.2, C.D.1 to become law as Act 228 effective July 12, 2005 without my signature.

Sincerely,

LINDA LINGLE